

#3



Practitioner's Docket No. 701039-051580

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

re application of: Tjorvi Ellert Perry; Fraser W. H. Sutherland; and John E. Mayer
Application No.: 10/056,991 Group No.: 3736
Filed: 01/25/2002 Examiner: To be assigned
For: APPARATUS AND METHOD FOR EVALUATING TISSUE ENGINEERED BIOLOGICAL MATERIAL

BOX MISSING PARTS
Assistant Commissioner for Patents
Washington, D.C. 20231

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(a) and 1.10)

I hereby certify that this correspondence:

- 1. Transmittal Form (1 pg.);
2. Copy - Notice to File Missing Parts (1 pg.);
3. Declaration/Power of Attorney - Executed by T. Perry, F. Sutherland and J. Mayer, Jr. (3 pp.);
4. Petition for Extension of Time - 4 Mos. (1 pg.);
5. Fee Transmittal (1 pg.);
6. Check - \$1,254.00;
7. Return Receipt Postcard;

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transmitted by facsimile to the Patent Trademark Office.

Date: October 3, 2002

Handwritten signature of Nicole M. Gignac over a line labeled Signature

Nicole M. Gignac
(type or print name of person certifying)



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PTO/SB/21 (08-00)
 Approved for use through 10/31/2002. OMB 0651-0031
 U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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<h1>TRANSMITTAL FORM</h1> <p><i>(to be used for all correspondence after initial filing)</i></p>	Application Number	10/056,991
	Filing Date	01/25/2002
	First Named Inventor	T.E. Perry
	Group Art Unit	3736
	Examiner Name	To be assigned
	Attorney Docket Number	701039-051580
Total Number of Pages in This Submission		

ENCLOSURES <i>(check all that apply)</i>		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Response to Missing Parts/ Incomplete Application <input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers <i>(for an Application)</i> <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group <i>(Appeal Notice, Brief, Reply Brief)</i> <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) <i>(please identify below):</i> Copy - Notice to File Missing Parts; Declaration/Power of Attorney; Check \$1,254.00; Cert. of Mail; Return Receipt Postcard.
Remarks The Commissioner is authorized to charge fee deficiencies to the NIXON PEABODY LLP deposit account 50-0850.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	David S. Resnick (Reg. No. 34,235) NIXON PEABODY LLP, 101 Federal Street, Boston, MA 02110
Signature	
Date	10/3/02

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: <u>10/3/2002</u>			
Typed or printed name	Nicole M. Gignac	Date	10/3/2002
Signature		Date	10/3/2002

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



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FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)
 (\$)
 1254.00

Complete if Known	
Application Number	10/056,991
Filing Date	01/25/2002
First Named Inventor	T.E. Perry
Examiner Name	To be assigned
Group Art Unit	3736
Attorney Docket No.	701039-051580

METHOD OF PAYMENT (check all that apply)

Check Credit card Money Order Other None

Deposit Account: Charge fee deficiencies

Deposit Account Number: 50-0850

Deposit Account Name: NIXON PEABODY LLP

The Commissioner is authorized to: (check all that apply)

Charge fee(s) indicated below Credit any overpayments

Charge any additional fee(s) during the pendency of this application

Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	65.00
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	720.00
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17(q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	
Other fee (specify)				Statutory Disclaimer Fee	
*Reduced by Basic Filing Fee Paid				SUBTOTAL (3)	(\$) 720.00

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
101	740	201	370	Utility filing fee	370.00
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	
SUBTOTAL (1)					(\$) 370.00

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims Independent Claims: 31 -20** = 11 x Fee from below 9.00 = 99.00

Multiple Dependent Claims: - 3** = x =

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
103	18	203	9	Claims in excess of 20	
102	84	202	42	Independent claims in excess of 3	
104	280	204	140	Multiple dependent claim, if not paid	
109	84	209	42	** Reissue independent claims over original patent	
110	18	210	9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)					(\$) 99.00

**or number previously paid, if greater, For Reissues, see above

SUBMITTED BY

Name (Print/Type)	David S. Resnick / Lana A. Shvartsman	Registration No. (Attorney/Agent)	34,235 / 48,502	Telephone	(617) 345-6057/6177
Signature		Date	10/2/02		

WARNING: Information on this form may become public. Credit card information should not be included in this form. Provide credit card information and authorization on PTO-2038.

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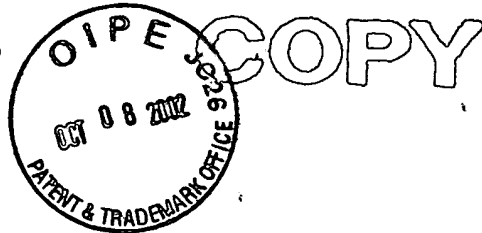


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 WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/056,991	01/25/2002	Tjorvi Ellert Perry	701039-051580

26248
 NIXON PEABODY LLP
 101 FEDERAL ST
 BOSTON, MA 02110



CONFIRMATION NO. 3545

FORMALITIES LETTER



OC00000007889569

Date Mailed: 04/17/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

10/09/2002 SHINASS1 00000095 10056991

FILED UNDER 37 CFR 1.53(b)

01 FC:201	370.00 OP
02 FC:203	99.00 OP
03 FC:205	65.00 OP

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 370 to complete the basic filing fee for a small entity.
- Total additional claim fee(s) for this application is \$99.
 - \$99 for 11 total claims over 20.
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 534.**

*A copy of this notice **MUST** be returned with the reply.*

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 Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE